

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
BANK OF AMERICA NATIONAL
ASSOCIATION,

Plaintiff,

- against -

PARAGON 150 PIERCE STREET, LLC,

Defendants.
-----X

NOTICE OF MOTION

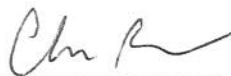
Case No.: 09-CV-05717-PGS

PLEASE TAKE NOTICE that upon the annexed declaration of Christina M. Rosas, the accompanying memorandum of law and the exhibits annexed hereto, defendant Paragon 150 Pierce Street, LLC ("Defendant") will move this Court before the Honorable Peter G. Sheridan at the United States Courthouse for the District of New Jersey on the 1st day of February, 2010, pursuant to Rule 65 of the Federal Rules of Civil Procedure for an Order granting Defendant a preliminary injunction requiring plaintiff Bank of America National Association ("Bank of America") to continue to draw on a certain Letter of Credit held by Bank of America in a reserve account ("Letter of Credit") for the purposes of funding expenses, including debt service in connection with the mortgaged premises as defined in Exhibit "C" to Bank of America's Complaint or, in the alternative, for an Order appointing a receiver to, *inter alia*, take control of the reserve account and pay operating expenses therefrom, and for such other and further relief as this Court may deem just, proper and equitable.

No prior application for this relief has been made.

Dated: January 7, 2010

LAZER, APTHEKER, ROSELLA
& YEDID, P.C.



CHRISTINA M. ROSAS (CMR- 6764)
Attorneys for Defendant
225 Old Country Road
Melville, NY 11747
(631) 761-0800
rosas@larypc.com

TO: Richard O'Halloran, Esq.
BURNS, WHITE & HICKTON, LLC
Attorneys for Plaintiff
502 Carnegie Center, Suite 103
Princeton, New Jersey 08540
(609) 987-0616
Raohalloran@bwhllc.com